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10/802,095

03/15/2004

Jong-Deog Kim

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01/11/2005

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EXAMINER

BROWN, KHALED

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/802,095

Applicant(s)

JONG-DEOG KIM

Examiner

Khaled Brown

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-15-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3-15-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: on page 4, line 4, the phrase "photodiode 105" should be photodiode 106, and on page 8 line 24, the phrase "photodiode 260" should be photodiode 250 per there identification in previous paragraphs of the disclosure.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Vujkovic-Cvijin (US 6724789).

Re clms 1: Vujkovic-Cvijin discloses a system for monitoring an optical output/wavelength of a laser source, comprising: laser source control means for controlling the laser Source (Col 7 line 9); an optical/wavelength monitoring means for monitoring an optical output/wavelength of the controlled laser source (64); a TEC control means for controlling a thermo-electric cooler (TEC) order to constantly maintain

laser source of the optical output/wavelength monitoring means to have predetermined temperature (Col 4 lines 50-57 and Col 11 lines 1-25); a temperature control means for controlling a heater and a thermistor to set an etalon to a predetermined temperature (156), wherein the heater is attached on the optical output/wavelength monitoring means and thermistor is attached on the heater (Col 10 lines 56-60; a comparison means for comparing the optical output signal and the wavelength signal, each of which is monitored at the optical output/wavelength monitoring means (150); a processing means for comparing values of the compared signals with preset value to control an input current or temperature of the laser source (Col 11 lines 4-25).

Re clm 2: external temperature monitoring means (Col 11 lines 23-25)

Re clm 4: optical splitter (74)

Re clm 5: a predetermined position (Col 10 lines 12-20)

Re clm 6: integrated structure (22)

Re clms 7,14: heating unit attached to filtering unit (Col 11 lines 27-28)

Re clm 8: stabilize the wavelength by controlling temperature (Col 11 lines 25-29)

Re clms 3, 9,: Vujkovic-Cvijin discloses An apparatus for monitoring an optical output/wavelength, comprising: a laser source for generating a laser beam according to a control signal outputted from a laser source control means (102); collimation means (106); an optical output monitoring means for sensing an intensity of the laser beam outputted from the collimation means (80); a filtering means for filtering the laser beam outputted from the collimation means ("Etalon" Col 10 line 17); an optical wavelength

monitoring means for sensing the wavelength generated from the filtering means (64); a first mounting means mounting the optical output monitoring means (82); a second mounting means (66); an alignment means for aligning the optical output monitoring means, the filtering means, the optical wavelength monitoring means, the first mounting means and the second monitoring means and for minimizing a heat conducted from a heater to the optical output monitoring means, the filtering means, the optical wavelength monitoring means, first mounting means and the second mounting means in sequence, the alignment means having a metal pattern to process an electric signal(22); a heating means for changing temperature of the filtering means; and temperature sensing means for sensing a temperature the heating means, to thereby control the temperature of the filtering means (Col 10 lines 42-67).

Re clm 15: heating means is on alignment means and filtering means on heating means assembled in c-shape (Fig 10)

Re clms 16-18: controlled by temperature (Col 11 lines 27-34)

Re clm 19: air layer (Fig 10)

Re clm 20: beam split (Col 10 lines 12-17)

Allowable Subject Matter

Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or suggest the laser beam shielded by the optical output monitoring means or metal patterns on both sides or a bridge-shaped structure all in conjunction with the rest of the claimed subject matter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kish, Jr. et al US 20030095736A1, Senapati et al US 20030072336A1 and Vujkovic-Cvijin US 20030020981A1.

Note: a signed copy of the IDS filed 3-15-04 having two pages is attached to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khaled Brown whose telephone number is 571-272-2411. The examiner can normally be reached on M-F 8:30am-5pm.

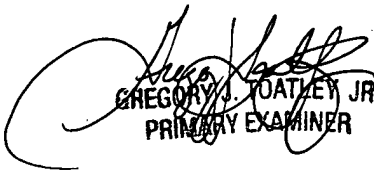
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J Toatley Jr. can be reached on 571-272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 8, 2004


GREGORY J. TOATLEY JR.
PRIMARY EXAMINER STE 2877